

REMARKS

Claims 1, 14, 21, 25 and 28 have been amended to clarify the meaning thereof. Thus, claims 1-30 remain for consideration in this application.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

This rejection is the same rejection as set forth in the previous Office Action dated August 1, 2003. It is further the position of the Office Action that it should be made clear whether the vehicle is part of the invention or not.

Independent claims 1, 14, 21, 25 and 28 have all been amended to clarify the meaning thereof. Specifically, these claims had been amended to recite, “a seat for a vehicle having a floor and a roof,”. Thus, the claims are intended to cover a seat (or seats) of a vehicle which has “a floor and a roof”. This is the environment in which the claimed seat exists. Accordingly, it is clear that the seat would not be a seat or chair that one would have in one’s living room, nor would it be a seat found in a roller coaster, since roller coasters do not have a “roof” and a “floor”, nor would it apply to a seat for a bicycle which has no roof or floor. Accordingly, the seat is clearly claimed, while the claimed seat is in the environment of a vehicle having a roof and a floor. This type of claiming is well known and patent claims. For example, claim 1 of Lohr claims “a single or multi-person suspended seat, ... for a passenger transportation vehicle, the suspended seat comprising:”. Similarly, the previously cited Grieger reference, in claim 1, claims a “bench seat for motor vehicle, ...” Accordingly, it is submitted that the claims in this application are clearly directed to a seat (or seats) for a vehicle “having a

floor and a roof”. Thus, it is respectfully requested that the above amendments to the claims be entered and that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1, 6-8, 10, 12, 25 and 28 are anticipated by Lohr (U.S. Patent No. 6,568,735).

The seat structure of Lohr was clearly described in applicants’ response of December 31, 2003.

The Office Action takes the position that Lohr discloses a “central pillar (11)” from which the items are supported. As stated in the December 31, 2003 response, Lohr does not disclose a “central pillar”. It is clear from Fig. 1 that, for use in a passenger transport vehicle, vertical support 11 is located on a lateral wall of the vehicle. Specifically, column 1 of Lohr (lines 10-12) state the following:

The seat is attached by one its lateral walls in order to free space between the lower portion of the seat and the vehicle floor.

Thus, it is clearly seen that the seat of Lohr is mounted on a vertical support 11 which is not a “central pillar,” as set forth in the claims. There is simply no disclosure, anywhere in Lohr, which indicates that vertical support 11 is a “central pillar” in the central portion of the vehicle. Despite the view of the Office Action that the “central pillar 11” ... “could in fact be disposed in central area of the vehicle,” there is no such disclosure. Accordingly, it is submitted that the claims rejected above in view of Lohr cannot be anticipated by Lohr because there is no disclosure in Lohr of a “central pillar” as required in every independent claim in this application.

Additionally, the independent claims have all been amended in order to clearly state that the seat bottom is “directly fixed to and supported by said lower rib”. This language has been added to simply clarify the original claims that the seat bottom is “directly” fixed to the lower rib. It is also “directly” supported by the lower rib. This is not the case in Lohr. It is the position of the Office Action that the lower portion 9 is directly fixed to and supported by lower cross-piece 5. However this is not the case. Lower portion of the seat 9 is fixed to and supported by horizontal branch 7. However, seat portion 9 is not “directly fixed to” or “directly” supported by lower cross-piece 5.

Accordingly, independent claims 1, 14, 21, 25 and 28 cannot be anticipated by Lohr, because Lohr does not disclose the same structure as claimed.

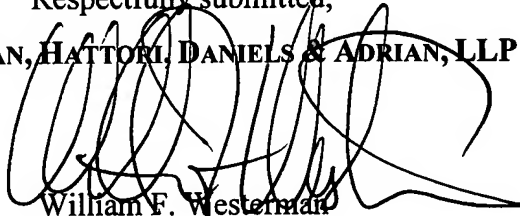
Furthermore, each dependent claim rejected above over Lohr is dependent from one of the independent claims and is limited to the additional features set forth therein. Accordingly, the dependent claims are also not anticipated by Lohr, for the reasons set forth above with regard to each of the independent claims.

In view of the amendments to the claims, and the remarks set forth above, applicants submit that the objections and rejections have been overcome. Accordingly, it is respectfully requested that the objections and rejections be withdrawn and that the claims in this application be passed on to allowed.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A large, stylized handwritten signature in black ink, appearing to read 'William F. Westerman', is written over the firm name.

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